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ELECTION UNDER 35 USC § 121
Examining Group 1651
Patent Application
Docket No. GER-100XC1
Serial No. 09/636,185

David Saliwanchik

David R. Saliwanchik, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Patricia Patten
Art Unit : 1651
Applicants : John F. Gerber, James H. White
Serial No. : 09/636,185
Conf. No. : 6539
Filed : August 10, 2000
For : Materials and Methods for the Efficient Production of *Pasteuria*

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Assistant Commissioner for Patents
Washington, D.C. 20231

ELECTION UNDER 35 USC §121

Sir:

In response to the written restriction requirement dated August 7, 2001, the applicants hereby elect to prosecute the Group I claims, i.e. claims 1-11 and 28, drawn to a method for producing *Pasteuria* endospores, and an endospore created from such a process. The applicants respectfully request that claims 29 and 30 also be examined with the Group I claims because these claims appear to have inadvertently not been assigned to one of the five Groups, and these claims appear to most appropriately belong to Group I. The applicants respectfully submit that the examination of claims 29 and 30 along with elected claims 1-11 and 28 would not present an undue burden in terms of extra searching.

The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

The applicants invite the Examiner to call the undersigned if clarification is needed on any aspect of this amendment.

Respectfully submitted,



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